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MAR 16 2004

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In re Application of
Joel R. Haynes et al
Serial No. 09/433,777
Filing Date: November 3, 1999
Attorney Docket No.: 036481-0135

DECISION ON PETITION

This is in response to applicant's "Petition for Withdrawal of Holding of Abandonment under 37 CFR 1.181(b)" filed October 24, 2003. The delay is regretted.

On August 13, 2002, a Final Office action was mailed. On January 13, 2003, applicants filed a Notice of Appeal, and on September 9, 2003, a Notice of Abandonment for failure to timely file a reply was mailed. On October 24, 2003, the present petition was filed. Applicants assert that a Request for Continued Examination (RCE), a bona fide reply, and an IDS, along with the appropriate petition for extension of time and fees were timely filed on July 8, 2003.

Applicant's statement and evidence show that a response was filed on July 8, 2003. The RCE is considered to be timely filed. Accordingly, the petition is granted. The instant application has been returned to pending status and will be forwarded to examiner for consideration of the RCE.

Petition Granted.

John Doll
John Doll
Director, TC1600